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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Master File No. 3:07-md-1827 SI
MDL No. 1827

This Document Relates To:
DIRECT PURCHASER CLASS ACTION

**STIPULATION AND ~~PROPOSED~~
RECOMMENDATION AND ORDER
REGARDING AUO PROPOSED
EXPERT WITNESSES**

Direct Purchaser Class Plaintiffs ("Plaintiffs") and Defendants AU Optronics Corporation and AU Optronics Corporation America (collectively, "AUO") hereby stipulate as follows:

WHEREAS AUO intends to call certain expert witnesses to testify in its defense in the action entitled *United States v. AU Optronics Corp., et al.*, Case No. CR-09-0110 (SI) (hereafter "the Criminal Case") and seeks to call those same expert witnesses (hereafter "Proposed Expert Witnesses"), or some of them, to testify in the above-captioned action;

WHEREAS the parties seek to make mutually agreeable and orderly arrangements for disclosure of the Proposed Expert Witnesses and discovery regarding their proposed

1 testimony, such arrangements to be scheduled later than the deadlines set forth in the Order
2 re: Pretrial and Trial Schedule (Dkt. 2165);

3 NOW, THEREFORE, Plaintiffs and AUO, through their undersigned respective
4 counsel, stipulate and request that the Special Master recommend as follows:

5 1. Within five days after disclosing its Proposed Expert Witnesses in the
6 Criminal Case, AUO will provide plaintiffs with the names of any of those Proposed Expert
7 Witnesses whom it intends to call to testify in the above-referenced action, as well as the
8 subjects of anticipated testimony, and any disclosures AUO has made in the Criminal Case
9 regarding those experts. AUO will serve plaintiffs with any further disclosures made
10 regarding those experts in the Criminal Case.

11 2. At the time the Proposed Expert Witness testifies in the Criminal Case (or
12 within five days after the Court enters an order excluding the testimony), AUO will produce
13 the expert's Rule 26 civil disclosures to Plaintiffs in accordance with the Federal Rules and
14 this Court's prior orders governing expert disclosures. Expert depositions will be scheduled
15 in San Francisco within two weeks after the reports are produced, unless Plaintiffs
16 determine in their sole discretion that a later date would be more appropriate.

17 3. Plaintiffs shall designate rebuttal experts, if any, and produce their Rule 26
18 disclosures within six weeks after the report of each Proposed Expert Witness is received,
19 but in any event no later than 14 days before trial. Plaintiffs need not duplicate material
20 already disclosed in prior reports or depositions given by their experts; all prior reports and
21 deposition testimony of Plaintiffs' experts shall be deemed offered in rebuttal of AUO's
22 Proposed Expert Witnesses to the extent they are relevant. Irrespective of whether
23 Plaintiffs' experts produce any new reports in response to AUO's expert reports, the
24 Plaintiffs' experts can offer testimony at trial critiquing AUO's experts and their analysis. If
25 Plaintiffs rely on new experts, those experts shall produce reports.

26 4. Further depositions of Plaintiffs' experts shall not occur unless AUO
27 demonstrates that even with the exercise of reasonable diligence it could not have asked the
28

1 questions at prior depositions of Plaintiffs' experts. If AUO moves to compel a further
 2 deposition of Plaintiffs' experts, it shall include a list of the questions it proposes to ask.

3 5. With regard to the reports and depositions anticipated by Paragraphs 2 and 3,
 4 the parties will meet and confer in an effort to expedite the process, including consideration
 5 of whether certain reports or depositions can be eliminated. Both parties will cooperate
 6 informally in providing information about the underlying data and analyses used in the
 7 reports.

8 6. Unless explicitly stated, nothing in this Stipulation and Order is intended to
 9 modify any other Order of the Court or the Special Master, including without limitation the
 10 Order re: Pretrial and Trial Schedule filed Nov. 23, 2010 (Dkt. no. 2165 and 2165-1), nor
 11 does this Order prevent any party from seeking further modifications to that or any other
 12 Order.

13 Dated: August 26, 2011

14 NOSSAMAN LLP

15 By: /s/ Carl L. Blumenstein
 16 Carl L. Blumenstein

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Bruce L. Simon
Co-Lead Counsel for Direct Purchaser Plaintiffs


IT IS SO RECOMMENDED.

Dated Entered: 9/2/11


Martin Quinn
Special Master

IT IS SO ORDERED.

Dated Entered: 9/7/11


The Honorable Susan Y. Illston
District Court Judge

ATTESTATION

Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from Brendan Glackin and Bruce Simon.